

PUBLIC MEETING
April 8, 2003

Vice-Chair Mike Murray called the meeting to order at 9:00 a.m. Commissioner Tinsley was present. Commissioner Varone was absent attending a MACRS Conference at Fairmont Hot Springs. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Cheryl Green, Mike Henderson, Jacalyn Grenfell, Undersheriff Leo Dutton, Vic Anderson, Jason Mohr, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Application for Tax Abatement for Remodeling, Reconstruction, or Expansion of Buildings by Power Townsend, a hardware and building supply store located at 3087 N. Montana Avenue, Helena, Montana. (cont. from JWS 4/3/03). Commissioner Tinsley moved to approve the resolution for tax abatement for the Power Townsend Company and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Request from Department of Environmental Quality (DEQ) to Cancel and Suspend Collection of Property Taxes on the former Basin Creek Mine Property. (cont. from 4/3/03) DEQ representative, Vic Anderson, reported that there are two claims had partial taxes paid on it by Lee McDonald until 2000. When the bankruptcy was filed, Mr. McDonald stopped paying the taxes and \$1,482.60 in taxes is still owed. It is DEQ's intention to get that money to Lewis and Clark County to repay the taxes paid by Mr. McDonald. DEQ's recommendation is to make this a condition of the resolution.

Cheryl Green reported that Mr. McDonald took assignment on two mining claims owned by Pegasus. According to bankruptcy rules, once the bankruptcy was filed Mr. McDonald had to cease paying the taxes and DEQ agreed to reimburse Mr. McDonald.

Hearing no other comments, this closed the public hearing. Commissioner Tinsley moved to approve the resolution to suspend and cancel the collection of property taxes, with an addendum that Mr. McDonald be reimbursed \$1,482.60 and authorize the chair to sign. For the record, Commissioner Tinsley stated this is another case of a multinational out-of-state corporation coming into Montana and leaving the county with a mess. Commissioner Murray stated that as a result of today's action, \$26 million will come into Lewis and Clark County for mine cleanup. The motion carried 2-0.

Health Department Contract. (cont. from 4/3/03) Mike Henderson reported the contract with the Lewis and Clark AIDS Project will be used for community HIV prevention services. The contract amount is \$1,019 through December 31, 2003. Commissioner Tinsley moved to approve and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Reserve Deputy Deductible. (cont. from 4/3/03) Reserve Deputy vehicles were damaged at the fairgrounds last summer as a result of a windstorm. The deputies on duty were parked in assigned parking at the reserved deputy office at the fairgrounds.

Undersheriff Leo Dutton reported that on July 25, 2002 a windstorm occurred at the Lewis and Clark County Fairgrounds and a large log from a tree fell on power lines and on three officers' vehicles. Estimates of the vehicle damage show one vehicle was totaled with a book value of \$11,525. The insurance company paid 60% because the landowner was partly responsible. He sold the truck for \$1,000 leaving him with a \$3,515 loss. The other two owners have estimates to fix their vehicles and each has \$500 deductibles.

Commissioner Murray stated he believes the deputies have been misled in this issue. The county commission agreed to pay the deductible on the insurance policies. The county's and the fairground's insurance company refused to pay anything because it was not an act of God and it was incumbent upon the deputies' insurance. Commissioner Murray suggested this be tabled today and the Sheriff's office to come back with the amount of deductible on each policy.

After further discussion, Commissioner Tinsley offered to discuss the issue with the Insurance Commissioner's Office and moved to table this until Thursday, April 17. Commissioner Murray seconded the motion and it carried 2-0.

Compensation Board - Appointment of Elected Official. (cont. from 4/3/03). With the decision of former superintendent of school, Warren Morehouse, not to run for re-election, there is an opening for an elected official on the Compensation Board. Commissioner Tinsley moved to nominate Clerk of Court, Nancy Sweeney, to serve on the Compensation Board. Commissioner Murray supports Clerk of Court Sweeney who has seven years of experience as an elected official dealing with county budgets and seconded the motion. Other experienced elected officials eligible are Dr. Marsha Davis, newly elected Superintendent of Schools and Coroner/Public Administrator Mickey Nelson who has 29 years experience with the county. The motion carried 2-0.

Cooney Convalescent Home-HIPAA Business Association Contract (*nunc pro tunc* action) Ron Alles reported this contract relates to the county's obligations regarding the HIPPA program and regulations. Commissioner Tinsley moved to approve this document, striking the word contract from the title line and replacing it with "Declaration of Obligations" and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

There was no other business and the meeting adjourned at 9:30 a.m.